

ESTATE OF VONSELL ANN ELDRIDGE : Order Dismissing Appeal
:
: Docket No. IBIA 97-164
:
: October 9, 1997

On August 22, 1997, the Board of Indian Appeals received a notice of appeal from Dwight Diggie, through counsel, Blaine Edmo, Esq., Fort Hall, Idaho. Appellant sought review of an order denying rehearing in the Estate of Vonsell Ann Eldridge, issued by Administrative Law Judge Harvey C. Sweitzer on June 30, 1997.

Appellant's notice of appeal showed service only on Judge Sweitzer and the Superintendent, Fort Hall Agency, Bureau of Indian Affairs. It did not show service on the parties with interests, or possible interests, in this estate. Accordingly, by order dated August 25, 1997, the Board directed Appellant to serve his notice of appeal on the interested parties and to file a certificate of service with the Board. Service and the filing of a certificate of service were required to be completed by September 17, 1997. The Board's order stated: "Failure to serve the parties as ordered will result in the dismissal of this appeal for failure to prosecute."

No certificate showing service on the interested parties has been received by the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is dismissed for failure to prosecute.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge